

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HARRY KANG,

Plaintiff,

CIVIL ACTION NO.: 23-cv

v.

NOTICE OF REMOVAL

BORIS GERTSIK and TOP ROAD PA, INC.,

Defendants.
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TO: Kim & Cha, LLP
210-08 Northern Boulevard, Suite #4
Bayside, NY 11361

PLEASE TAKE NOTICE that on this date defendant TOP ROAD PA, INC. by their undersigned counsel, have filed this Notice of Removal pursuant to 28 USC §1446(a) in the office of the Clerk of the United States District Court for the Eastern District of New York and show:

1. Plaintiff HARRY KANG instituted a lawsuit against the defendants in the Supreme Court of the State of New York, County of Richmond by filing a Verified Complaint on or about March 24, 2023. Ex. A.

2. Upon information and belief, the Summons and Verified Complaint were not received by defendant BORIS GERTSIK to date.

3. Upon information and belief, the Summons and Verified Complaint were received by defendant TOP ROAD PA, INC. on or about March 29, 2023.

4. On May 16, 2023, defendant TOP ROAD PA, INC. filed a Verified Answer to the plaintiff's Complaint in the Supreme Court of the State of New York, County of Richmond. Ex. B.

5. There have been no other proceedings in this action.

6. Plaintiffs HARRY KANG purports to be a citizen and resident of the State of New York, residing in Richmond County. *Please see* Verified Complaint annexed as Ex. A.

7. Defendant TOP ROAD PA, INC. is incorporated in the State of Pennsylvania and maintains its principal place of business in the State of Pennsylvania.

8. Defendant BORIS GERTSIK is a citizen and domiciliary of Moscow, Russia.

9. Therefore, complete diversity of citizenship pursuant to 28 U.S.C. §1332(a)(1) exists

and federal subject matter jurisdiction exists for this matter to be removed to federal court.

10. On May 1, 2023, the defendant served upon the plaintiff a demand for *ad damnum* Ex. C.

11. On May 31, 2023, the plaintiff served a response to the demand for *ad damnum*, indicating damages in the amount of \$500,000. Ex. D.

12. Based on the plaintiff's response to demand for *ad damnum* indicating damages in the amount of \$500,000, the matter in controversy is alleged to be in excess of \$75,000, together with costs and disbursements.

13. Jurisdiction over the subject matter of this action is conferred on this Court by 28 USC §1441(a).

14. Jurisdiction on this Court is proper pursuant to 28 USC §1332 and 28 USC §1441 in that the parties are of complete diversity, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and no defendant is a citizen of the State of New York.

15. This Notice is filed with this Court within 30 days of defendants' receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," as provided by 28 USC §1446(b).

PLEASE TAKE FURTHER NOTICE, that defendant, upon filing the Notice of Removal in the Office of the Clerk of the United States District Court for the Eastern District of New York, has also filed a copy of the Notice with the Clerk of the Supreme Court of the State of New York, County of Richmond, at the courthouse located at 26 Central Ave, Staten Island, NY 10301, to effect removal of this action to the United States District Court pursuant to 28 USC §1446(d).

Dated: New York, New York
June 7, 2023

LAW OFFICES OF LORNE M. REITER, LLC
Attorneys for Defendant
TOP ROAD PA, INC.
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New York, New York 10005
(212) 222-0955

By: *s/Lorne M. Reiter*

LORNE M. REITER